THE HONOURABLE SRI JUSTICE GODA RAGHURAM

W.P. NO.24631 OF 2006

BETWEEN:

Md.Ismail son of Ankus

…petitioner

Vs.

The RamagundamMunicipality, rep. By its commissioner and another

.. Respondents

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

W.P. NO.24631 OF 2006

ORAL ORDER

The writ petition is filed on an allegation that the 1st respondent has illegally dispossessed the petitioner from his land of an extent of Ac.0.02 guntas in Sy.No.553, Subhash Nagar/Autonagar, Ramagundam Municipality for the purpose of laying a road. The petitioner states to have made a representation on 13-11-2006 to the 1st respondent not to occupy his land illegally but follow the due process of acquisition. There being no response, the writ petition is filed.

The 1st respondent has filed a counter-affidavit stating that pursuant to the petitioner's representation dated.13-11-2006 the answering respondent issued a notice dated.15-11-2006 to the petitioner directing him to produce the documents of his title in respect of the land in question, within three days. The answering respondent further states that it has not taken possession of any property. There is an existing katcha road on the site. If the property belongs to private individuals the municipality is not interested to lay the road and therefore there is no cause for the writ petition.

As there is a denial of the petitioner's allegation that his land was illegally taken possession or otherwise, no cause exists to grant relief in the writ petition. Should there be any interference by the respondents with the petitioner's possession

of his land in question and without lawful authority for so doing the petitioner is always at liberty to approach the competent Civil Court for appropriate relief.

With the above observation the writ petition is disposed of. In the circumstances there shall be no order as to costs.

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GODA RAGHURAM,J

18th DECEMBER 22006
*TSNR